

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GLENN COX,

Defendant.

Case No. 2:19-cr-00271-RFB-VCF

ORDER

Based upon the record in this case, including the communication to the Court from Nevada Southern Detention Center, the Court finds there is a basis to order a competency evaluation of Defendant David Glenn Cox pursuant to 18 U.S.C. § 4241. The Court finds that there is sufficient basis to question whether Defendant David Glenn Cox can adequately and competently understand the criminal proceedings and whether he can adequately and competently assist his attorney in defending against or resolving the violations that have been alleged against him.

IT IS THEREFORE ORDERED:

1. In accordance with 18 U.S.C. §§ 4241 and 4247 the Defendant is remanded into the custody of the Attorney General for the purpose of completing a competency evaluation. The Court authorizes, if necessary, the United States Marshals Service to transport Defendant David Glenn Cox to a suitable Bureau of Prisons (“BOP”) facility that conducts psychological evaluations closest to the Court, for a psychiatric or psychological evaluation to determine whether the Defendant is presently suffering from a mental health affliction or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and

2. The Defendant shall be held in a BOP facility for a reasonable period of time, not to

1 exceed thirty days, unless extended by further order of the Court upon a showing of good cause
2 by the director of the facility that the additional time is necessary to observe and evaluate
3 Defendant, or by appropriate motion, for a period of up to fifteen additional days. 18 U.S.C. §
4 4247(b). If the Attorney General and the Bureau of Prisons determine that the current setting where
5 Defendant is being detained is suitable for his to participate in the evaluation, that evaluation can
6 take place where he is currently detained.

7 3. The examination conducted pursuant to this order shall be conducted by one
8 or more licensed or certified psychiatrists or clinical psychologists. 18 U.S.C. § 4247(b).

9 4. A psychiatric or psychological report shall be prepared by the examiner
10 designated to conduct the psychiatric or psychological examination. The person designated
11 to conduct the psychiatric or psychological examination shall file the report, under seal, with
12 the Court by **November 5, 2021**.

13 5. The report shall include:

- 14 a. The Defendant's history and present symptoms;
15 b. A description of the psychiatric, psychological or medical
16 tests that were employed and their results;
17 c. The examiner's findings; and
18 d. The examiner's opinions concerning whether the Defendant is
19 suffering from a mental affliction or defect rendering his mentally incompetent to the extent
20 that he is unable to understand the nature and consequences of the proceedings against
21 him, or to assist properly in his defense.

22
23 **IT IS SO ORDERED.**

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25 **DATED:** September 30, 2021.

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28 RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE